



WEB COPY



W.P.No.26120 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.11.2023
CORAM

THE HONOURABLE Mrs. JUSTICE J.NISHA BANU
AND
THE HONOURABLE Mrs.JUSTICE N.MALA

W.P.No.26120 of 2021 and
WMP.No.27572 of 2021

Mrs.R.Mallika

.... Petitioner

vs

1. The Government of Tamil Nadu
rep.by its Secretary,
Housing and Urban Development Department,
Secretariat, Chennai 600 009.
- 2.The Commissioner,
Directorate of Town and Country Planning,
Chengalvarayan Building,
4th Floor, 807 Anna Salai, Chennai 600 002.
- 3.The Deputy Director,
Directorate of Town and Country Planning,
Salem Region, 6, Sannadhi Street,
Subramania Nagar, Sooramangalam,
Salem 636 005.
- 4.The Commissioner,
Attur Municipality, Municipality Office,
Attur, Salem District 636 102.

.... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India
to issue a Writ of Certiorarified Mandamus calling for the records of the



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impugned order dated 29.10.2021 issued by the 1st respondent in GO (3D) No.75 and quash the same and consequently direct the 1st respondent to consider the appeal dated 18.8.2020 on the basis of the application dated 25.3.2021 and the representation dated 29.3.2021 after providing necessary opportunity to the petitioner.

For Petitioner : Mr.K.Mohan

For Respondents : Mrs.Mythreya Chandru
Special Government Pleader for R1 to 3
Mr.B.Anand for R4

ORDER

(Order of the Court was made by J.Nisha Banu,J.)

This Writ Petition has been filed to call for the records of the impugned order dated 29.10.2021, issued by the 1st respondent and quash the same and consequently direct the 1st respondent to consider the appeal dated 18.8.2020 on the basis of the application dated 25.3.2021 and the representation dated 29.3.2021.

2. The case of the petitioner is that she is the owner of the property measuring an extent of 9283.50 sq.ft situated at Door No.1098, Block No.9, Ward D, Salem-Cuddalore Main Road, Attur, comprised in S.F.No.35/3, Attur Taluk and Town and she has got the said property vide a Settlement Deed dated 20.01.2016. The petitioner has also got patta and planning permission



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for the said property. It is the further case of the petitioner that the approval as granted is for commercial nature and the construction put up by her is also of commercial. While so, during the course of construction a slight revision of plan was carried out and hence, the petitioner has submitted a revised plan by way of an application to the respondents 2 and the 3 for consideration of the authority by submitting all supporting documents with applicable fee, seeking necessary approval. Under such circumstances, the petitioner has received a rejection order dated 26.02.2021, without providing any reasons and therefore, since the order of rejection does not refer to any reasons, the petitioner has submitted a representation dated 09.03.2021 for reconsideration of the appeal and further also filed a Writ Petition in W.P.No.7247 of 2021 and this Court vide order dated 15.04.2021 had directed the 1st respondent to consider the petitioner's appeal dated 18.08.2020 and the representation given on 09.03.2021. however during the pendency of the said petition, an order for enforcement action was passed by the 3rd respondent on 25.03.2021. Further, the 1st respondent vide impugned order dated 29.10.2021, rejected the appeal of the petitioner. Aggrieved by the impugned order of rejection, the petitioner has filed updated online application dated 25.03.2021, again submitting all necessary details for satisfying the applicable rules so also the details /



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documents submitted vide representation dated 29.03.2021, however the same have not been considered by the 1st respondent. Hence, the petitioner left with no other option has approached this Court by way of this writ petition.

3. Heard the learned counsel for the petitioner, the learned Special Government Pleader for the respondents 1 to 3 and the learned Standing Counsel appearing for the 4th respondent.

4. Learned Special Government Pleader appearing for the 1st respondent states that the 1st respondent will consider the application as well as the representation of the petitioner and will pass orders within the time to be stipulated by this Court.

5. Considering the submissions made on either side, without expressing any opinion on the merits of the claim made by the petitioner, the 1st respondent is directed to consider the application and representation of the petitioner dated 25.03.2021 and 29.03.2021 respectively and pass appropriate orders on merits and in accordance with law, after providing necessary opportunity to the petitioner, preferably within a period of eight weeks from the date of receipt of a copy of this order.



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6. The Writ Petition stands disposed of. No costs. Consequently connected miscellaneous petitions are closed.

(J.N.B., J.) (N.M., J.)
30.11.2023

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Index : Yes / No

Internet : Yes / No

To

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